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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,187	10/16/2003	Steven S. Homer	200309431-1	7568

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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT PAPER NUMBER

2835

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,187	Applicant(s) HOMER ET AL.	
	Examiner Michael V. Datskovskiy	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 14 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “a graphical user interface” in claims 5, 14 and 19 is used by the claim to mean “graphical card or controller”, while the accepted meaning is “a computer program interface that lets the user interact with a computer.” (See included definitions of this term). The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-6, 9-14, 16-22 (claims 5, 14 and 19 as best understood by examiner) are rejected under 35 U.S.C. 102(b) as being anticipated by Depew et al (US Patent 6,215,476).

Depew et al teach a computer system 100, (a personal computer, which is a tablet type of a computer), Figs. 1-9, comprising: a housing 112 having a rectangle perimeter edge 104 and a base wall parallel to a display surface; a controller 124; a display having a top surface formed by a glass panel 102 (col. 5, lines 29-37), and extending to the perimeter edge 104, wherein the top surface and the perimeter edge 104 form an interrupted and smooth transition, by flushed with an outer surface of a bezel of the top 104 of the housing 112 (see Figs. 6 and 7); Depew et al teach furthermore: a graphical user interface controller (digitizer) 110 disposed beneath the glass panel 102; and a pointer 52 adapted to actuate the graphical user interface controller. It is also inherent that a tablet computer would comprise a microprocessor. Regarding to the claims 16-20: The method steps are necessitated by the device structure as Depew et al disclose it.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-7, 9, 16, 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunn et al. (Rejection is based of the fact that at the time of the invention was filed application 10/215, 416 (US 2004/0027392 A1) by Dunn et al was assigned to the different assignee).

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Dunn et al teach a computer system 10, (a personal computer, which is a tablet type of a computer 12), Figs. 1-11, comprising: a housing 20 having a rectangle perimeter edge 24 and a base wall parallel to a display surface; a controller 152; a display having a top surface formed by a panel 158 and extending to the perimeter edge 24, wherein the top surface and the perimeter edge 244 form an interrupted and smooth transition, by flushed with an outer surface of a bezel of the top 244 of the housing 20 (see Fig. 5); Dunn et al teach furthermore: a graphical user interface controller (digitizer) 136 disposed beneath the top panel 158; and a pointer 16 adapted to actuate the graphical user interface controller. Dunn et al also teach said computer system comprising a keyboard 14 removably attachable to the housing 20 of the tablet computer 12. It is also inherent that a tablet computer would comprise a microprocessor. Regarding to the claim 16: The method steps are necessitated by the device structure as Depew et al disclose it.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Depew et al in view of White et al (US Patent 6,532,152).

Depew et al teach all the limitations of the claims except there is a pad disposed between the glass panel and the housing to absorb shock. White et al teach a personal

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tablet type computer . Figs. 1-21, comprising a display covered by a top glass panel 212 (col. 14, lines 54-55), wherein said glass panel is mounted to a housing 204 through shock absorbing pad 314 and gasket 300. It would have been obvious to one ordinary skilled in the art at the time invention was made to protect the top glass panel in the device by Depew et al by a shock absorbing pad as it is shown by White et al, in order to enhance durability of the device.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yang et al (US Patent 6,781,819); Uchida (US Patent 5,067,573); Ohgami et al (US Patent 5,574,625); Matsumoto (US D460,448 S); Tanaka et al (US D479,235 S) and Shioya et al (US Patent 5,583,681), each of them due to the extremely broad character of the claims could be used for the rejection of the at least claims 1, 3, 4, 9, 16, 20 and 21 of the instant application.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy
Primary Examiner
Art Unit 2835

09/23/2005